

Amendment No. 1 to SB0971

Briggs  
Signature of Sponsor

**AMEND Senate Bill No. 971\***

**House Bill No. 1029**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-44-108, is amended by adding the following new subsection:

(1) A governing body may meet and conduct all necessary business by any electronic means approved by the governing body, if the governing body determines that meeting electronically is necessary to protect the health, safety, and welfare of Tennesseans in light of the COVID-19 outbreak, subject to the following conditions:

(A) The determination of necessity for holding an electronic meeting must be made either at a prior meeting or upon commencement of the meeting and prior to conducting any other business, by a majority of the members of the governing body. The vote must be by roll call. The governing body shall inform the public of the factors supporting its determination, and the factors must be recorded in the minutes. The governing body shall not use factors that are inconsistent with guidance the governing body or government entity associated with the governing body has given to the community for gatherings. The governing body shall consider measures recommended by the Centers for Disease Control and Prevention to reduce the risk of transmission of COVID-19 in group gatherings before making a determination that meeting electronically is necessary;

(B) All meetings of a governing body conducted by electronic means under this subdivision ( ) (1) must remain open and accessible to the public by

providing real-time, live audio or video access to the public that can be accessed remotely by the public;

(C) A clear audio or video recording of the meeting must be made available to the public as soon as practicable following the meeting, and in no event more than two (2) business days after the meeting;

(D) In the public notice required by § 8-44-103, a governing body shall provide information regarding how the public can obtain real-time, live, and remote access to, or broadcast of, the meeting, and such governing bodies are strongly urged to provide an agenda for the meeting in such notice;

(E) Members of governing bodies, staff, and others participating in an electronic meeting by audio means only, if that means of participation is authorized, shall identify themselves in a manner reasonably calculated to permit the public to ascertain the identity of the person speaking;

(F) This subsection ( ) does not in any way limit quorum, meeting notice, or voting requirements otherwise established in law;

(G) When a majority of the members of a governing body attends and participates in a meeting of the governing body in the same physical location, the public shall also be allowed to attend the meeting at the physical location, subject to the limitations for public gatherings included in local, state, or federal public health guidelines;

(H) Members of the public must be allowed to address the governing body during an electronic meeting as permitted by any state law, charter provision, ordinance, or resolution; and

(I) A member who attends and participates in a meeting electronically under this subsection ( ) is present for purposes of creating a quorum and voting on matters presented for consideration during the meeting to the same extent as a member who is physically present at the meeting. This subsection ( ) does not

preclude some members of a governing body from attending and participating in a meeting of the governing body in the same physical location while another member or members attend and participate in the meeting electronically, as long as the governing body complies with subdivisions ( ) (1)(A)-(H) with respect to the meeting.

(2) Notwithstanding subdivision (a)(1), as used in this subsection ( ), "governing body" means a county or municipal legislative body and any board, commission, or committee created thereof with the authority to make a decision for or recommendations to a public body on policy or administration.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it. This act is repealed on either February 1, 2022, or thirty (30) days from the date the Centers for Disease Control and Prevention lifts the recommendation related to avoiding large gatherings, whichever occurs first.